

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES L. EDWARDS, JR.,

Plaintiff,

v.

Case No. 12-15153
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION
and
DISMISSING ACTION

This matter is before the Court on Magistrate Judge Michael Hluchaniuk's Report and Recommendation [**Doc. No. 17, filed December 20, 2013**]. Plaintiff James L. Edwards, Jr. filed Objections to the Report and Recommendation on January 2, 2014. A response to the Objections was filed on January 14, 2014.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that the ALJ's finding that Plaintiff's medically determinable impairments were not severe impairments is supported by substantial evidence. The Magistrate Judge reviewed the ALJ's findings and the record thoroughly in reaching his conclusion. The Court also agrees with the Magistrate Judge that the ALJ's findings as to Plaintiff's credibility is supported by substantial evidence. The Magistrate Judge set forth specific examples of how the ALJ's findings were supported by the record. Plaintiff's objections regarding the severe impairment and credibility arguments are based on the same arguments raised in his summary judgment motion brief.

For the reasons set forth above,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Michael J. Hluchaniuk [Doc. No. 17, filed December 20, 2013] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [Doc. No. 10, filed March 1, 2013] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motions for Summary Judgment [Doc. No. 15, filed June 7, 2013] is **GRANTED**.

IT IS FURTHER ORDERED that the Commissioner's decision is **AFFIRMED**.

IT IS FURTHER ORDERED this action is **DISMISSED** with prejudice.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: January 31, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 31, 2014, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager